IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
FRIDAY, THE TWENTY FIFTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE B.PRAKASH RAO
WRIT PETITION NO : 14073 of 1994

Between:

1 Mrs. Maria Fernandez, w/o. late Sri Roland Fernandez, R/o. Qtr.No.1-11-88 A, Begumpet,Hyderabad.
2 Miss adelle Fernandez, D/o. late Sri Roland Fernandez, Rep.by Mother Gaurdian Petitioner No.1
3 Miscelle Fernandez, D/o. late Sri Roland Fernandez, Rep.by Mother Gaurdian Petitioner No.1

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PETITIONERS

AND

1 The Addl. Industrial Tribunal-cum-addl Labour Court, rep.by Presiding Officer,
Mozam Zahi Market, Hyderabad
2 The Secretary ,I.D.L.Chemicals Ltd., Park Lane, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction more particularly one in the nature of " Writ of certiorari" calling for the records in I.D.No.143/93 dt.20.10.93 of the 1st respondent herein and set aside the same as arbitrary illegal, and without jurisdiction and consequently award the entire salary of the deceased workman from 27-9-81 to27.12.87 against the 2nd respondent herein along with the compensation for the worngful termination of the services of the workman and pass.

Counsel for the Petitioners:MR.V.TULASI REDDY

Counsel for the Respondent No.1: GP FOR SOCIAL WELFARE

Counsel for the Respondent No.2: P.NAGESWARA SREE

The Court Made the following:

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ORAL ORDER:

Petitioners who are the legal representatives of an employee of the 2nd respondent, filed this Writ Petition, assailing the award passed in I.D.No.143 of 1993, dated 20-10-1993, awarding a sum of Rs.10,000/- to the petitioners and stating that they are entitled to much more amount towards entire salary for the period from 27-09-1981 to 27-12-1987.

The case of the petitioners is that the husband of 1st petitioner was illegally terminated and no amount was paid to him and therefore, he raised a dispute, which was ultimately disposed of as per the award dated 20-10-1993, wherein the Tribunal awarded a lump sum of Rs.10,000/-.

Having heard the submissions made on either side and on perusal of the material on record, it is seen that except making a bold assertion that they are entitled to more amount, no evidence was adduced before the Labour Court nor it is mentioned in the affidavit filed in this Writ Petition about the details of particulars of amount, which they are legally entitled to, in the absence of which, it is difficult for this Court to exercise discretion under Article 226 of the Constitution of India. Hence, I do not find any merits in the Writ Petition.

Accordingly, the Writ Petition is dismissed. No costs.

kvr/stv 25th June, 2004

Copy to

1.The Presiding Officer, The Additional Industrial Tribunal-cum-Additional Labour Court, Mozam zahi Market, Hyderabad.
2. The Secretary, I.D.L.Chemicals Limited, Park lane, Secunderabad.
3. Two CCs to Govt Pleader for Social Welfare (OUT), High Court Buildings, High Court of A.P., Hyderabad.
4. Two CDs
5. One spare copy

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